

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JASON BAIRD, <i>et al.</i> ,	)	
	)	CASE NO. 4:10CV1119
Plaintiffs,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
EXCEL INDUSTRIES, INC., <i>et al.</i> ,	)	
	)	<b><u>MEMORANDUM OF OPINION AND</u></b>
Defendants.	)	<b><u>ORDER</u></b> [Regarding <a href="#">ECF No. 107</a> ]

Before the Court is the Report and Recommendation of Magistrate Judge William H. Baughman, Jr., recommending, pursuant to the jointly filed Stipulation of Voluntary Dismissal ([ECF No. 101](#)), the dismissal of Plaintiff's claims against Dexter Automatic Products Company; Kohler Co.; Active Exhaust Corp.; Engineered Fastener Company, Individually and d/b/a EFC International; and The Gates Corporation, *aka* The Gates Rubber Company, without prejudice.<sup>1</sup> [ECF No. 107](#).

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. [Id.](#); [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6<sup>th</sup> Cir. 1981). Absent objection, a district court may adopt a magistrate judge's report without review. See [Thomas](#), 474 U.S. at 149.

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<sup>1</sup> The matter was referred to Magistrate Judge William H. Baughman, Jr., for general pretrial supervision pursuant to [28 U.S.C. § 636\(c\)\(1\)](#) and Local Rule 73.1. [ECF No. 55](#).

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In the instant case, the parties have not filed objections to the Report and Recommendation. The Court finds that the Report and Recommendation is supported by the record, and agrees with the recommendation to the voluntary dismissal of Plaintiff's claims against the above named Defendants.

Accordingly, the Court adopts Magistrate Judge Baughman's Report and Recommendation. [ECF No. 107](#). The claims against Defendants Dexter Automatic Products Company; Kohler Co.; Active Exhaust Corp.; Engineered Fastener Company, Individually and d/b/a EFC International; and The Gates Corporation, *aka* The Gates Rubber Company are dismissed without prejudice.

IT IS SO ORDERED.

July 14, 2011  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge